

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the outstanding Office Action of May 30, 2007, the Examiner rejected claims 1, 6-7, and 12, under 35 U.S.C. §103(a), as allegedly being unpatentable over Lee '660 (U.S. Patent No. 6,240,660) in view of Niwa '692 (U.S. Patent No. 6,538,692); and rejected claims 2-5 and 8-11, under 35 U.S.C. §103(a), as allegedly being unpatentable over Lee '660 and Niwa '692 (U.S. Patent No. 6,538,692) and further in view of Ohtake '688 (U.S. Patent No. 4,866,688).

By this Amendment, claims 1 and 7, have been amended to provide a clearer presentation of the claimed subject matter and claims 2, 6, 8 and 12 have been cancelled. Applicant submits that no new matter has been introduced. As such, claims 1, 3-5, 7, 9-11, and 13-14 are presented for examination, of which claims 1 and 7 are independent.

In so far as the rejections under §103(a) are still deemed relevant in view of the claim changes, Applicant traverses these rejections for the following reasons:

I. Rejections of Claims Under §103(a).

As noted above, independent claims 4-6 and 19 are directed to an information recording apparatus and positively recites, *inter alia*, that the *detection unit* controls a light beam *to trace a plurality of regions with different radial distances* on the information storage medium, samples focusing error signals from the plurality of regions, *generates a plurality of focusing control signals* based on the plurality of focusing error signals, *detects a plurality of DC bias components* based on the focusing control signals, and *detects a disc tilt amount of an optical axis with respect to each of the plurality of regions based on the difference between the two DC bias components*.

These features are amply supported by the various embodiments disclosed in the written description. By way of illustration only, the disclosed embodiments provide the detection of a disc tilt amount of an optical axis with respect to each of a plurality of regions with different radial distances on an information storage medium and controls recording

operations by a recordable capacity which is calculated based on the disc tilt amount. In particular, the apparatus detects the disc tilt amount of the optical axis with respect to each of the plurality of regions based on the difference between the two DC bias components. (See, Specification: page 14, line 11 - page 16, line 1). In this manner, the apparatus is capable of sampling the disc tilt amount more accurately, noting that the disc tilt amount varies with the radial distances, and controls the recording operations based on the recordable capacity that is accurately calculated. (See, Specification: page 15, lines 3 - 9).

Applicant respectfully submits that, despite the Examiner's contentions, the asserted references fail teach or suggest each and every element of the claims, including the features identified above. In particular, Lee '660 discloses that the microcontroller 22 scans the overall servo fields of a drive to detect defects and for defect scanning of the servo fields, the microcontroller 22 determines the positions and number of defects in each head/disk combination. The microcontroller 22 then determines whether the number of detected defects in each head/disk combination exceeds a reference defect number set in an early stage of designing the drive. If the number of defects detected in each head/disk combination is the reference defect number or smaller, the servo field defect scanning is terminated. If the number of the defects detected in each head/disk combination is larger than the reference defect number, the microcontroller 22 determines whether the defects exist only on a specific disk surface and, if so, the microcontroller 22 eliminates the corresponding disk surface from usage. And, if a determination establishes that each of a plurality of disk surfaces has more defects than the reference defect number, the drive is determined to be a failure. (See, Lee '660: col. 4, lines 29-53; FIG. 2).

With this said, there is nothing in Lee '660 that teaches or suggests that the *detection unit* controls a light beam *to trace a plurality of regions with different radial distances* on the information storage medium, samples focusing error signals from the plurality of regions, *generates a plurality of focusing control signals* based on the plurality of focusing error signals, *detects a plurality of DC bias components* based on the focusing control signals, and *detects a disc tilt amount of an optical axis with respect to each of the plurality of regions based on the difference between the two DC bias components*, as required by claim 1.

Applicants submit that none of the remaining references, namely Niwa '692 and Ohtake '688, cure the deficiencies of Lee '660 noted above and fail in their own right to teach each element of claim 1.

Thus, for at least these reasons, Applicant submits that none of the asserted references, whether taken alone or in reasonable combination, teach or suggest each and every element of claim 1 and are therefore incapable of rendering claim 1 unpatentable. As such, claim 1 is clearly patentable. And, because claims 3-5 and 13 depend from claim 1, claims 3-5 and 13 are patentable at least by virtue of dependency as well as for their additional recitations.

Moreover, because independent claim 7 recites similar patentable features as claim 1, claim 7 is patentable for at least the same reasons presented relative to claim 1. And, because claims 9-12 and 14 depend from claim 7, claims 9-12 and 14 are patentable at least by virtue of dependency as well as for their additional recitations. Accordingly, the immediate withdrawal of the rejections of claims 1, 3-5, 7, 9-11, and 13-14 is respectfully requested.

II. Conclusion.

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 03-3975.

The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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